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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,183	06/20/2005	Galileo J. A. Destura	NL021476	2613

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BRIARCLIFF MANOR, NY 10510

EXAMINER

HO, HOAI QUAN T

ART UNIT PAPER NUMBER

2629

MAIL DATE DELIVERY MODE

11/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/540,183		DESTURA, GALILEO J. A.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Hoai-Quan T. Ho		2629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/20/2005</u>   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Priority*

1. This office acknowledges receipt of the following item from the Applicant:  
Information Disclosure Statement (IDS) was considered.
2. Claims 1-8 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin et al. Pub. No. 2003/0122779.

As per claim 1, Martin discloses a wireless communication device (**Fig 5, element 31**) for composing a message (**Page 6, Paragraph 0054**), said device comprising: a display screen (**Fig 5, element 33**); and a virtual keypad (**Fig 5, elements 36a-i**) having a plurality of keys displayed on said display screen (**Page 6, Paragraph 0054**), wherein said virtual keypad includes a first key (**Fig 5, element 36i**) operable to display a first character (**Fig 5, element characters "9" or "w" or "x" or "y" or "z"**) associated with said first key within the message as displayed on said display screen in response to an application of a first load level upon a localized area of said display screen corresponding to said first key (**Page 6-7, Paragraph 0056-0058**), and wherein said first

key is further operable to display a second character (**Fig 5, element characters “9” or “w” or “x” or “y” or “z”**) associated with said first key within the message as displayed on said display screen in response to an application of a second load level upon the localized area of said display screen corresponding to said first key (**Page 6-7, Paragraph 0056-0058**).

As per claim 2, Martin discloses the wireless communication device of claim 1, wherein said first key is further operable to display a third character (**Fig 5, element characters “9” or “w” or “x” or “y” or “z”**) associated with said first key within the message as displayed on said display screen in response to an application of a third load level upon the localized area of said display screen corresponding to said first key (**Page 6-7, Paragraph 0056-0058**).

As per claim 3, Martin discloses the wireless communication device of claim 2, wherein said first key is further operable to display a fourth character (**Fig 5, element characters “9” or “w” or “x” or “y” or “z”**) associated with said first key within the message as displayed on said display screen in response to an application of a fourth load level upon the localized area of said display screen corresponding to said first key (**Page 6-7, Paragraph 0056-0058**).

As per claim 4, Martin discloses the wireless communication device of claim 5, wherein said first key is further operable to display a fifth character (**Fig 5, element characters “9” or “w” or “x” or “y” or “z”**) associated with said first key within the message as displayed on said display screen in response to an application of a fifth load level upon the localized area of said display screen corresponding to said first key (**Page 6-7, Paragraph 0056-0058**).

As per claim 5, Martin discloses a wireless communication device (**Page 6, Paragraph 0054**) including a display screen (**Fig 5, element 33**) and a virtual keypad (**Fig 5, elements 36a-i**) having a plurality of keys displayed on the display screen, a method of composing a message, said method comprising: sensing and measuring an application of a load upon a localized area of the display screen corresponding to a first key (**Page 6-7, Paragraph 0056-0058**) of the virtual keypad; displaying a first character (**Fig 5, element characters "9" or "w" or "x" or "y" or "z"**) associated with the first key within the message as displayed on the display screen in response to a measurement of the load equating a first load level (**Page 6-7, Paragraph 0056-0058**); and displaying a second character associated with the first key within the message as displayed on the display screen in response to a measurement of the load equating a second load level (**Page 6-7, Paragraph 0056-0058**).

As per claim 6, Martin discloses the method of claim 5, further comprising: displaying a third character (**Fig 5, element characters "9" or "w" or "x" or "y" or "z"**) associated with the first key within the message as displayed on the display screen in response to a measurement of the load equating a third load level (**Page 6-7, Paragraph 0056-0058**).

As per claim 7, Martin discloses the method of claim 6, further comprising: displaying a fourth character (**Fig 5, element characters "9" or "w" or "x" or "y" or "z"**) associated with the first key within the message as displayed on the display screen in response to a measurement of the load equating a fourth load level (**Page 6-7, Paragraph 0056-0058**).

As per claim 8, Martin discloses the method of claim 7, further comprising:

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displaying a fifth character (**Fig 5, element characters “9” or “w” or “x” or “y” or “z”**) associated with the first key within the message as displayed on the display screen in response to a measurement of the load equating a fifth load level (**Page 6-7, Paragraph 0056-0058**).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoai-Quan T. Ho whose telephone number is 571-270-3148. The examiner can normally be reached on 7:30 A.M. - 4:30 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eisen Alexander can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**H-Q. Ho**

October 29, 2007

  
ALEXANDER EISEN  
SUPERVISORY PATENT EXAMINER